

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CARLOS PORTALATIN,

Petitioner,

-against-

HAROLD GRAHAM, Superintendent,  
Auburn Correctional Facility,

Respondent.  
-----X

JUDGMENT  
06-CV- 5002 (JG)

**FILED**  
IN CLERKS OFFICE  
U.S. DISTRICT COURT ED. N.Y.

★ MAR 27 2007 ★

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

A Memorandum and Order of Honorable John Gleeson, United States District Judge, having been filed on March 22, 2007, granting petitioner's petition for a writ of habeas corpus; directing the State Court to vacate and resentence petitioner in proceedings consistent with the Court's Memorandum and Order dated March 22, 2007; and ordering that if respondent files a Notice of Appeal, the relief granted is stayed pending the outcome of the appeal; it is

ORDERED and ADJUDGED that petitioner's petition for a writ of habeas corpus is granted; that the State Court is directed to vacate petitioner's sentence and to resentence petitioner in proceedings consistent with the Court's Memorandum and Order dated March 22, 2007; and that if respondent files a Notice of Appeal, the relief granted is stayed pending the outcome of the appeal.

Dated: 3/27/07

Approved by: s/John Gleeson  
John Gleeson  
United States District Judge

Dated: Brooklyn, New York  
March 23, 2007  
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Robert C. Heinemann  
Clerk of Court

By: s/Terry Vaughn  
Terry Vaughn  
Chief Deputy of  
Court Operations